

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOSEPH J. YEOMAN,

Case No. 23-CV-188-JPS

Plaintiff,

v.

JON FRY, WILLIAM EMBREY, JOHN  
DOE, JOHN DOE 1, RACINE COUNTY,  
RACINE COUNTY SHERIFF'S OFFICE,  
TOWNSHIP OF YORKVILLE,  
and  
CHRISTOPHER SCHMALING.

Defendants.

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**DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S  
SECOND AMENDED COMPLAINT**

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**NOW COMES** Defendants Jon Fry, William Embrey, John Doe, John Doe 1, Racine County, and Sheriff Christopher Schmaling, by and through their attorneys, Meissner Tierney Fisher & Nichols, S.C., by Jacob A. Sosnay, as and for their Answer and Affirmative Defenses to the Plaintiff's Second Amended Complaint admit, deny and affirmatively allege as follows:

I. Paragraph I contains legal conclusions to which no response is required. To the extent a response is required, Defendants admit that one element of malicious prosecution is that Plaintiff must demonstrate a favorable termination.

Defendants deny that Plaintiff can prove a favorable termination in the underlying case at issue.

- II. Paragraph II contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny information sufficient to form a belief as to the allegations and therefore deny the same.
- III. Paragraph III contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny information sufficient to form a belief as to the allegations and therefore deny the same.
- IV. Paragraph IV contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny information sufficient to form a belief as to the to the allegations and therefore deny the same.
- V. Paragraph V contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny information sufficient to form a belief as to the allegations and therefore deny the same.
- VI. Paragraph VI contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny information sufficient to form a belief as to the allegations and therefore deny the same.
- VII. Paragraph VII contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny information sufficient to form a belief as to the allegations and therefore deny the same.

## INTRODUCTION

1. Paragraph 1 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.
2. In answer to Paragraph 2, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.
3. Paragraph 3 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.
4. Defendants are without information sufficient to form a belief as to the truth of the allegations and therefore deny the same.

5. Paragraph 5 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants are without information sufficient to form a belief as to the truth of the allegations and therefore deny the same.
6. Paragraph 6 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.
7. Paragraph 7 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.
8. Paragraph 8 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

## PARTIES

**Plaintiff**

9. Upon representation of Plaintiff, admit the allegations.

**Defendant**

10. In answer to Paragraph 10, Defendants admit that Plaintiff is suing Defendant Jon Fry. Defendants deny any and all liability.

11. In answer to Paragraph 11, Defendants admit that Plaintiff is suing Defendant William Embrey. Defendants deny any and all liability.

12. In answer to Paragraph 12, Defendants admit that Plaintiff is suing John Doe/John Doe1. Defendants deny any and all liability.

13. In answer to Paragraph 13, Defendants admit that Plaintiff is suing Sheriff Christopher Schmaling. Defendants deny any and all liability.

14. In answer to Paragraph 14, Defendants admit that Plaintiff is suing Racine County Sheriff's Office. Affirmatively assert that the court has not permitted Plaintiff to proceed with a claim agaisnt Racine County Sheriff's Office.

15. In answer to Paragraph 15, admit that Plaintiff is suing the Township of Yorkville. Affirmatively assert that the court has not permitted Plaintiff to proceed with a claim against the Township of Yorkville.

16. In answer to Paragraph 16 admit that Plaintiff is suing Racine County. Defendants deny any and all liability.

**JURISDICTION AND VENUE**

17. In answer to Paragraph 17, admit that Plaintiff's lawsuit, although lacking merit, is properly venue in the United State District Court for the Eastern District of Wisconsin.

18. In answer to Paragraph 18, admit Plaintiff's lawsuit, although lacking merit, took place in Wisconsin and implicates alleged violations of federal law and that jurisdiction is proper pursuant to 28 U.S.C. § 1331
19. In answer to Paragraph 19, admit Plaintiff's lawsuit, although lacking merit, implicates alleged violations of federal law and that jurisdiction is proper pursuant to 28 U.S.C. § 1343.
20. In answer to Paragraph 20, admit that the court may exercise supplemental jurisdiction over state law claims.

#### **EXHAUSTION OF ADMINISTRATIVE REQUIREMENTS**

21. In answer to Paragraph 21, Defendants are without information sufficient to form a belief as to the truth of the allegations and therefore deny the same.
22. In answer to Paragraph 22, Defendants are without information sufficient to form a belief as to the truth of the allegations and therefore deny the same.

#### **STATEMENT OF CLAIM**

**Fourth Amendment Malicious Prosecution, Fourth Amendment Wrongful Pretrial Detention, and Fifth and Fourteenth Amendment Claims under Double Jeopardy clause agaisnt all Defendants.**

23. In answer to Paragraph 23, Defendants are without information sufficient to form a belief as to the truth of the allegations and therefore deny the same.
24. In answer to Paragraph 24, Defendants are without information sufficient to form a belief as to the truth of the allegations and therefore deny the same.
25. In answer to Paragraph 25, Defendants are without information sufficient to form a belief as to the truth of the allegations and therefore deny the same

26. In answer to Paragraph 26, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.
27. Paragraph 27 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.
28. Paragraph 28 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.
29. Paragraph 29 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

30. Paragraph 30 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

31. Paragraph 31 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants lack information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

32. Paragraph 32 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

33. Paragraph 33 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

34. Paragraph 34 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants lack information sufficient to form a belief as to the truth of the allegations and therefore deny the same

35. Paragraph 35 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

36. Paragraph 36 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants lack information sufficient to form a belief as to the truth of the allegations and therefore deny the same.

37. Paragraph 37 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants lack information sufficient to form a belief as to the truth of the allegations and therefore deny the same.

#### **State Law Malicious Prosecution Claim**

38. In answer to Paragraph 38, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny

information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

39. In answer to Paragraph 39, Defendants deny allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny all allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

40. Paragraph 40 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants lack information sufficient to form a belief as to the truth of the allegations and therefore deny the same.

41. In answer to Paragraph 41, Defendants lack information sufficient to form a belief as to the truth of the allegations and therefore deny the same.

42. In answer to Paragraph 42, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

43. Paragraph 43 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants lack information sufficient to form a belief as to the truth of the allegations and therefore deny the same.

44. In answer to Paragraph 44, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations

Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

45. In answer to Paragraph 45, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

46. In answer to Paragraph 46, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny all allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations given that Plaintiff has not provided citations to the referenced case law, and therefore deny the same.

47. Paragraph 47 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

48. Paragraph 48 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting

Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

**Supervisor Liability Claim against Christopher Schmaling and Racine County Sheriff's Office (e.g. Respondeat Superior).**

49. In answer to Paragraph 49, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny all allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same. Affirmatively assert Plaintiff was not permitted to proceed on a claim against Racine County Sheriff's Office.
50. Paragraph 50 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.
51. Paragraph 51 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

52. Paragraph 52 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

**Township of Yorkville and Racine County Indemnification claim Pursuant to Wis.  
Stat. 895.46**

53. Paragraph 53 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same. Affirmatively assert that Plaintiff was not permitted to proceed on a claim against the Township of Yorkville.

54. Paragraph 54 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

55. Paragraph 55 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny sanctions are an appropriate remedy. As to the remaining allegations, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

**Township of Yorkville and Racine County  
Municipal Liability Claim (Monell Claim)**

56. Paragraph 56 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same. Affirmatively assert that Plaintiff was not permitted to proceed on a claim against the Township of Yorkville.

57. Paragraph 57 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

58. Paragraph 58 contains legal conclusions to which no response is required. To the extent that a response is required, admit Plaintiff is bringing a *Monell* claim. As to the remaining allegations, Defendants deny allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

59. Paragraph 59 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations.

60. Paragraph 60 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations.

61. Paragraph 61 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

62. Paragraph 62 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny

information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

63. Paragraph 63 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

### CONCLUSION

64. In answer to Paragraph 64, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

65. In answer to Paragraph 65, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

66. In answer to Paragraph 66, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

67. Paragraph 67 contains legal conclusions to which no response is required. To the extent that a response is required, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

68. Paragraph 68 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants are without information sufficient to form a belief as to the truth of the allegations and therefore deny the same.

69. Paragraph 69 contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny all allegations.

70. Paragraph 70 contains legal conclusions to which no response is required. To the extent that a response is required, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

71. Paragraph 71 contains legal conclusions to which no response is required. To the extent that a response is required, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny

information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

72. Paragraph 72 contains legal conclusions to which no response is required. To the extent that a response is required, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

73. Paragraph 73 contains legal conclusions to which no response is required. To the extent that a response is required, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action. Deny information sufficient to form a belief as to any other remaining allegations and therefore deny the same.

#### **FEDERAL AND STATE LAW CLAIMS**

74. In answer to Paragraph 74, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

#### **Count I. Fourth Amendment Malicious Prosecution Claim Against All Defendants**

75. In answer to Paragraph 75, reallege Paragraphs 1-74 of this Answer as if more fully set forth herein. Deny all allegations asserting Defendants violated

Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action..

**Count II. Fourth Amendment wrongful pretrial detention claim agaisnt all defendants.**

76.In answer to Paragraph 76, reallege Paragraphs 1-75 of this Answer as if more fully set forth herein. Deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

**Count III. Fifth and Fourteenth Amendment Claims Under Double Jeopardy Clause against All Defendants.**

77.In answer to Paragraph 77, reallege Paragraphs 1-76 of this Answer as if more fully set forth herein. Deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

**Count IV. State Law Malicious Prosecution against all defendants**

78.In answer to Paragraph 78, reallege Paragraphs 1-77 of this Answer as if more fully set forth herein. Deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

**Count V. Supervisor Liability Claim against Christophr Schmaling and Racine County Sherrif's Office**

79.In answer to Paragraph 79, reallege Paragraphs 1-78 of this Answer as if more fully set forth herein. Deny all allegations asserting Defendants violated

Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

**Count VI. Indemnification claim against Christopher Schmaling and Racine County Sheriff's Office**

80. In answer to Paragraph 80, reallege Paragraphs 1-79 of this Answer as if more fully set forth herein. Deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

**Count VII. Municipal Liability claim agaisnt Racine County and the town of Yorkville:**

81. In answer to Paragraph 81, reallege Paragraphs 1-80 of this Answer as if more fully set forth herein. Deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

**DAMAGES AND JURY DEMAND**

82. In answer to Paragraph 82, including all subparts, deny that Plaintiff is entitled to declaratory judgment. As to the remaining allegations, deny all allegations asserting Defendants violated Plaintiff's rights in any respect and otherwise deny allegations Defendants are liable to Plaintiff under any theory or cause of action.

**AFFIRMATIVE DEFENSES**

As and for affirmative defenses, Defendants Jon Fry, William Embrey, John Doe, John Doe 1, Racine County, and Sheriff Chrisopher Schmaling respectfully submit the following:

1. The injuries and damages sustained by the Plaintiff, if any, were caused in whole or in part by the acts or omissions of the Plaintiff or persons other than the Defendants;
2. Plaintiff may have failed to mitigate his damages;
3. The Second Amended Complaint fails to state claims upon which relief may be granted;
4. Plaintiff's claims and causes of action have not been pled with sufficient particularity and factual detail and are mere conclusory statements without support and are therefore insufficient to satisfy Federal notice pleading requirements;
5. Defendants, at all times relevant, acted reasonably under the circumstances, in good faith and were not motivated by malice or intent to harm;
6. Plaintiff's claims may be barred by the applicable statute of limitations;
7. Defendants may be immune from suit under common law and statutory immunities and privileges, including, but not limited to, qualified immunity and discretionary immunity;
8. Defendants may be immune from suit under the doctrine of judicial, quasi-judicial, legislative, and quasi-legislative immunity;
9. To the extent Plaintiff presents claims under Wisconsin state law, they are subject to the limitations, prerequisites, and immunities contained within Wisconsin Statutes § 893.80.

10. Plaintiff may have failed to fully exhaust his administrative remedies pursuant to the Prison Litigation Reform Act, 42 U.S.C. §1997e(a).

11. The Plaintiff's injuries, if any, are the result of pre-existing, superseding or intervening causes unrelated to any conduct of any Defendant to this lawsuit.

**WHEREFORE**, Defendants respectfully request judgment as follows:

1. For dismissal of the Second Amended Complaint upon its merits and with prejudice;
2. For reasonable actual attorney's fees pursuant to 42 U.S.C. § 1988(b);
3. For the costs, disbursements, and fees of this action; and
4. For such other relief as this Court deems just and equitable.

**DEFENDANTS DEMAND TRIAL BY JURY**

Dated this 18<sup>th</sup> day of February 2025.

**MEISSNER TIERNEY FISHER & NICHOLS, S.C.**

/s/ Jacob A. Sosnay  
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ZOOM MEETING INFORMATION

Meeting ID: 818 2406 1926

Passcode: 159 739

<https://wicourts.zoom.us/j/81824061926?pwd=R0dCeFJHckZqeWdCcGY5UiTxL2VUUT09>